

**DCSS P3 PROJECT
FAIR HEARINGS WORKGROUP
SEPTEMBER 13, 2000 MEETING
MEETING SUMMARY**

I. GENERAL

On Wednesday, September 13, 2000, the California Department of Child Support Services (DCSS) Policies, Procedures, and Practices (P3) Project, Fair Hearings Workgroup held its fourth session in Sacramento. The following members attended:

- ☒ Carlos Rivera, State Co-Leader (DCSS, SSMI)
- ☒ Wendy Weisler, County Co-Leader (Special Assistant---Los Angeles)
- ☒ Cindy Cunningham, State Analyst (DCSS Analyst)
- ☒ Diane Ward, County Analyst (FSO II---Sonoma)
- ☒ Steve Smith, Small County Rep (Director---Lassen)
- ☒ Katie Wallace, Medium County Rep (Division Manager---Tulare)
- ☒ Lori Anderson, Large County Rep (Supervisor---San Bernardino)
- ☒ Kathy Dresslar, Advocate (Senior Policy Advocate – Children’s Advocacy Institute)
- ☒ Debbie Dominguez, SEIU Rep (FSO II---Los Angeles)
- ☒ Carla Khal, Judicial Council Rep (Facilitator---Tulare)
- ☒ Judi Bentzien, FTB Rep (CCSAS Child Support Specialist)
- ☒ Victor Arguelles, FTB Rep (CCSAS Child Support Specialist)

Attending *ex officio* were:

- ☒ Kathie LaLonde, Facilitator (SRA International)
- ☒ Michael Coleman, DCSS (Manager)

This meeting summary highlights points covered, material discussed decisions made, and follow-up tasks for forthcoming sessions. Comments and corrections should be addressed to Julie Hopkins at julie.hopkins@dss.ca.gov.

II. REVIEW OF MEETING MINUTES/UPDATES/ANNOUNCEMENTS

Minutes

Changes to the August 31, 2000 meeting minutes, under the heading of STATE FAIR HEARING PROCESS (CDSS), were as follows:

- Page 3, Pre-Hearing, last bullet, second sentence should read: *Of the 80 percent of hearings that do not go to actual hearings, over 50 percent of those are resolved by pre-hearing contacts.*
- Page 3, Hearing Notice, change 15 day reference to: *at least 17*

- Page 3, Statement of Position, after “*required to,*” add: *have its written Statement of Position available* and strike *prepare a Statement of Position*.
- Page 3, Hearing Protocol, first bullet, first sentence: *case* should be *claimant*.
- Page 4, Rehearings, second bullet, first sentence, change *conducted* to *reviewed*. Add: *The Chief Counsel reviews and determines whether to grant or deny the request for rehearing, State Hearings Division conducts the granted rehearing.*

Next Meeting

The next workgroup meeting is scheduled for September 28, 2000 from 10:00 – 3:00 p.m., 2525 Natomas Park Drive, second floor conference room, Sacramento.

III. TODAY’S TENTATIVE AGENDA

- Review research/status of action items
- Intercounty/interstate Issues
- Franchise Tax Board
- Educating the public and custodial/non-custodial parents
- Review draft of Workgroup Short Report for Public Hearings
- Review draft of White Paper
- New action items/wrap up

IV. INTERCOUNTY/INTERSTATE ISSUES

The workgroup agreed the following intercounty/interstate issues should be addressed in the workgroup’s final report:

- Other states won’t acknowledge California order
- Ownership of the case (jurisdiction)
- County where complaint is alleged is responsible to investigate complaint
- Out-of-state CP/NCP ability to access California fair hearing
- Geographical issues
- De facto county holding hearing on behalf of other county
- Workload factors for de facto counties performing referral tasks on behalf of other counties (refer to Performance Measures and Staffing Workgroups)
- Other states refusing to enforce California’s interest order
- Impact of case transfer on the complaint process (refer to Case Management and Best Practices Workgroups)
- Full faith and credit
- Data:
 - Type of issue or complaint
 - Name
 - County where the case resides or about which the complaint is filed

- Date of receipt of complaint
- Date of action
- Date of written decision
- Source of referral
- Complaint date
- Date of child support action complained of (90-day notice date)
- Number of complaints (individual, county, regional, statewide)
- Resolution
- Identification number/Social Security number
- FTB action

V. FRANCHISE TAX BOARD

The Workgroup agreed that the following FTB issues should be included in the group's final report:

- Effort to improve collections (CAMP)
- Need for PRISM to communicate back and forth
- Need liaison for cases against FTB
- Process needs to be developed
- Need FTB representatives to attend
- Needs for CAMP to coordinate multiple counties
- Staffing
- Enforcement (example: county A holding license because it can't get money from the parent because county B is getting the maximum allowed)

VI. EDUCATION

The group agreed that the following education issues should be included in the final report:

- Child Support Handbook needs to contain complaint process information
- Any notice and monthly notice must contain complaint process information
- Local child support agency decision
- Barnes should have complaint information
- PSAs
- Publicity campaign
- Pamphlet/brochures/videos
- Multi-lingual
- Web e-forms
- All customer services campaign
- Stakeholder/advocates should be involved
- Letter from Curtis Child to the following:

Legislators	TANF Offices	Department of Mental Health	Women's Shelters
Congressional Delegation	Schools/PTA	Department of Health Services	Hospitals
County Boards of Supervisors	Ombudspersons	Department of Motor Vehicles	Prisons
City Councils		Consumer Affairs	Other States
Court Commissioners		State Central Registries	Social Security

VII. COMPLAINT VS. DISPUTE TIMEFRAME

The Workgroup agreed that it is not clear when the clock starts for responding to complaints vs. disputes, nor whether complaints should be written or verbal. Two subgroups will develop recommendations: the verbal point of view (Kathy/ Carla/Debbie), and the written point of view (Wendy/Katie/Lori).

VIII. WORKGROUP SHORT REPORT FOR PUBLIC FORUMS

The workgroup agreed to recommend the following for the Short Report:

Policy Recommendations:

1. All local child support agencies shall adopt the Local Complaint Resolution procedures established by the Department of Child Support Services (DCSS).
2. The DCSS should direct and assist each local child support program in establishing an Ombudsperson office.
3. The DCSS shall implement a uniform State Fair Hearings process.

Standard Operating Procedures:

1. All local child support agencies shall implement the uniform Local Complaint Resolution process to resolve complaints from custodial and non-custodial parties regarding actions of the local child support agency. This process shall be exhausted prior to accessing a State Fair Hearing.
2. The local child support agency shall investigate all complaints and provide written response within 30 days. If the custodial or non-custodial parent or party is dissatisfied with the written response, he/she may request a State Fair Hearing.
3. The DCSS shall implement a statewide State Fair Hearing process as of July 1, 2001 to resolve disputes concerning denial of services, failure to meet required timeframes, distribution of child support, and case closure.

Best Practices:

1. The DCSS should, to the extent possible, model its State Fair Hearing process after the California Department of Social Services' state fair hearing process.
2. The DCSS and the local child support agencies should sponsor a statewide educational campaign directed at the entire child support population that provides information on both the new Local Complaint Resolution process and the State Fair Hearing process.

California Legislation:

1. Mandate a single start date for Local Complaint Resolution process.

Federal Legislation: N/A

IX. CROSS-WORKGROUP ISSUES

Training Workgroup

- All local child support agency staff should be trained in the new complaint resolution/fair hearing procedure to be implemented July 1, 2001.
- The proposed Ombudsperson positions should have uniform training.

Non-Judicial Forms Workgroup

- Develop uniform forms for use in process with detailed instructions and information.

Staffing Workgroup

- Workload factors for de facto counties performing referral tasks on behalf of other counties.

Customer Access Workgroup

- Discuss the use of Internet access for customers. Provide application, information, and instructions covering complaint resolution/fair hearings.

Case Processing, Management Practices, Staffing Levels, and Case Closure

- All of these Workgroups have either a direct or indirect impact on the amount of possible fair hearings filed. Case closure is a specific criterion for a fair hearing request.
- Impact of case transfer on the complaint process.

X. SYSTEM REQUIREMENTS

None identified.

XI. HANDOUTS

- Draft issue paper dated September 13, 2000
- Statement of Duties for Ombudsperson in Los Angeles County
- California Department of Social Services Publication 13, Your Rights Under California Welfare Process

XII. ACTION ITEMS/HOMEWORK ASSIGNMENTS FOR NEXT SESSION

See attached listing.

XIII. ANCILLARY (PARKING LOT) ISSUES

N/A

XIV. ATTACHMENTS

See attached Action Item List.

XV. TENTATIVE AGENDA FOR SESSION 5

- Review/research status of action items
- Review draft report
- Discuss public forums
- Wrap up